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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROHINDRANATH KANHOYE,

Plaintiff,

-against-

05-CV-4308 (ENV)(WDW)

ALTANA INC., ROBERT FAIVRE, HELEN
CORSO, and CHARLIE TIRRANO,

Defendants.

-----X

DEFENDANTS' PROPOSED VOIR DIRE QUESTIONS

Pursuant to Fed. R. Civ. P. 47(a) and the Local Civil Rules of the Court, Defendants Altana, Inc.¹, Robert Faivre and Helen Corso (collectively, the "Defendants")² respectfully submit the following proposed *voir dire* questions. Defendants reserve the right to amend these

¹ Altana, Inc. is now known as Nycomed US, Inc.

² As discussed at the parties' pretrial conference held on March 10, 2010, Charlie Tiranno is no longer a named defendant in this litigation.

proposed questions as necessary to conform to pretrial rulings.

Dated: April 26, 2010
New York, New York

SEYFARTH SHAW LLP

By: s/ Gary Glaser
Gary Glaser
Christie Del Rey-Cone
620 Eighth Avenue
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VOIR DIRE QUESTIONS

Residence & Age

1. Please state your name and city of residence.
2. Is that a house or an apartment? Do you own or rent?
3. How long have you lived in your current residence?
4. What is your age?

Marriage & Family

1. Are you married? Have you ever been married?
2. Do you have any children?
3. If so, how many children do you have and what are their ages and genders?
4. Where were you born?

Occupation

1. What is your present occupation?
2. How long have you worked in that position?
3. What did you do before you held your current job?
4. Does your spouse work? Where and for whom? How long has he or she been employed there? What did he or she do before that?
5. Do your children work? Where and for whom? How long have they been employed there? What did they do before that?
6. Do your parents work? Where and for whom? How long have they been employed there? What did they do before that?
7. Do you now or have you ever had a job in which you supervised people? If so, have you ever been accused of any discriminatory or retaliatory employment practice?

8. Do you now or have you ever had a job in the field of human resources? If so, explain your job duties or role.

9. Do you now or have you ever had a job in the pharmaceutical field? If so, explain your job duties or role.

Knowledge and Opinions of Case, Parties, Attorneys, Witnesses

1. Have you read, heard or seen anything about this case before today? If so, please explain.

2. Plaintiff Rohindranath (“Randy”) Kanhoye is represented by Anthony C. Ofodile and Robert Winnemore of Ofodile & Associates, P.C. Defendants Altana, Inc. (now known as Nycomed US, Inc.), Helen Corso and Robert Faivre are represented by Gary Glaser and Christie Del Rey-Cone of Seyfarth Shaw LLP. Do you know, or have any dealings either personal or business, with any of the parties or their counsel?

3. Do you have any relatives, friends, associates, or employers who have had any dealings with or been employed by the parties or their attorneys?

4. Have you read or heard anything about any of these parties or their attorneys that might make it difficult for you to be fair and impartial?

5. Have you, or have any members of your family or a close friend, ever applied for work or worked for Altana, Inc. or Nycomed US, Inc.?

a. If so, were you/they hired? At which location?

b. What kind of work did you/ they do?

c. If you/they left Altana, Inc. and/or Nycomed US, Inc.’s employment, was it on good terms? If no, please briefly explain circumstances.

d. Would this prevent you from acting as a fair and impartial juror in this case?

Please explain.

6. Are any of you aware of whether you have purchased products or prescriptions manufactured by Altana, Inc. and/or Nycomed US, Inc.?

a. If so, did you have any negative experiences with those products?

b. Have you ever lodged any complaints in connection with use of those products?

7. I am going to read a list of names of people who may be called as witnesses in this case.

Please raise your hand if you know, know about, know of or have had any personal or business dealings with any of the following people:

a. Rohindranath ("Randy") Kanhoye

b. Helen Corso

c. Robert Faivre

d. Charles Tiranno

e. Michael Miller

f. Marcia Jones

g. Rob Moore

h. Philip Hammer

i. Noel Ramsammy

j. Scott Mizwa

k. Bruce Cordes

l. Eugene Davis

m. Paul Dilosa

n. Kim Kanhoye

- o. Shantana Kanhoye
- p. Mitch Kanhoye
- q. Joseph Kanhoye
- r. Kurtis Gajadhar
- s. Sabrina Bhowanidin
- t. Mindy Kirsch
- u. Paul McGarty
- v. Colleen Bayer
- w. Paul Contri
- x. Paul Diolosa
- y. John Ferraro
- z. Sarina Tomel
- aa. Gary Price
- bb. Arun (Kevin) Ranglall
- cc. Genalise Emile
- dd. Beatrice Wilfred

Experience With Alleged Discrimination or Discipline During Employment

1. Have you ever witnessed or suspected that some type of discrimination or retaliation has occurred in your office or workplace? If so, explain the circumstances and outcome.
2. Have you ever been harassed, discriminated or retaliated against at your place of employment? If so, please explain.
3. Has one of your family members or close friends ever been harassed, discriminated or retaliated against at their place of employment? If so, please explain.

4. Have you ever been accused of harassment, discrimination or retaliation? If so, please explain.
5. Has one of your family members or close friends ever been accused of harassment, discrimination or retaliation? If so, please explain.
6. Are you now or have you ever been subject to any disciplinary action by an employer? If so, please explain the circumstances and outcome.
7. Have you ever be transferred to a new job within your company? If so, please explain the circumstances or outcome.
8. Do you believe that an employer should impose progressive or gradual disciplinary action on an employee? If so, explain why you believe this.
9. Have you ever been subject to discipline at work? If so when? Please provide the details.
10. Have you ever misrepresented your work history in order to get a job? Do you feel that doing so is wrong?
11. Do you believe that an employer has the right to terminate an employee if, after employing that employee, the employer learns that the employee provided inaccurate or false information in order to get the job?
12. Have you ever been terminated from employment? When? For what reasons? Were you given a reason? Did you receive prior warning before being terminated?
13. Have you ever been denied a pay increase? Did you believe that decision was unfair? Did you complain about that decision?

14. Do you believe that it is proper for an employer to distinguish between the *fact* that an employee complains about an employment decision, and the *manner* in which an employee complains?

15. Has one of your family members or close friends ever been terminated from employment? When? For what reasons? Were they given a reason? Did he or she receive prior warning before being terminated?

16. Have you or any of your family members or close friends ever been subject to violence or threatening conduct in the workplace? If so, what were the circumstances? Did you complain of that conduct?

Education

1. What level of schooling have you completed?

- a. If you attended college, what college?
- b. At college, what were your major subject areas?
- c. Do you have any certifications or licenses?
- d. Have you had any special training or course relating to law? What training and courses?
- e. Have you had any special knowledge, training, education or experience in personnel or human resources matters? If yes, please describe.

Prior Civil Litigation Experience

1. Have you, your family, or any close friend ever filed suit or a claim of harassment, discrimination or retaliation, or any type of complaints against a current or former employee? Did you testify? If so, please describe the nature of the complaint or claim. What was the outcome of the case?

2. Have you, your family, or any close friend ever filed a grievance, charge, complaint, arbitration, lawsuit or other type of protest against an employer? If so, please state the circumstances surrounding the action, including the name of the employer, the nature of the protest, when this occurred, the outcome and the other facts and circumstances surrounding the action.

If the answer to questions 1 or 2 above is "yes," then please ask questions 3 through 6.

3. Did the matter go to trial -- either before a judge alone, or a judge and jury? Was a verdict rendered? Was the matter settled before a final verdict was reached?

4. How did you feel about the experience? Did you feel justice was done? Did you form any opinions about the civil court system? What are they?

5. Has that experience served to make you feel that our system of civil justice is fair? Has that experience served to make you feel that our system of civil justice awards damages appropriately? Has that experience served to make you feel that our system of civil justice denies relief unfairly when a case has not been proven?

6. What is your concept of burden of proof in a civil case? If the Judge instructs you differently than you previously thought, will you be able to follow his instructions?

Ability to Be Fair and Impartial Juror

1. Do you have any ideas or prejudices that would prevent or hinder you from following the Judge's instructions as to the law during this trial?

2. Do you have any religious or ethical beliefs that would prevent you from passing judgment on another person?

3. At the close of the presentation of the evidence, the Judge will instruct you as to the law you are to follow in deciding this case. Will you be able to follow the Judge's instructions as

to the law, even though you may personally disagree with those instructions or think that the law should be different?

4. What organizations, clubs, fraternal orders or societies do you belong to?

Corporations

1. Do you feel that simply because an individual has sued a company that he is entitled to recover damages?

2. Do you feel any bias or prejudice against Altana, Inc. because it is a corporation or because it is a defendant?

3. Do you feel any bias or prejudice against Helen Corso because she is a defendant?

4. Do you feel any bias or prejudice against Robert Faivre because he is a defendant?

5. If the evidence justified it, could you find in favor of the defendants just as easily as for the plaintiff?

Trial Schedule

1. This trial could last up to five days. Is there anything about the length of the trial that would prevent you from sitting as a juror on this case?

General

1. If you were a party to this case expecting a fair trial, would you be willing to have a juror with your frame of mind sit on the jury?

2. Is there anything in your background about which you think we should know, but have not asked, that could affect your ability to be a fair and impartial juror in this case?

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2010, I served the foregoing Defendants' Proposed *Voir Dire* Questions, by electronic and U.S. mail, postage prepaid, on the following counsel for plaintiff:

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s/ Christie Del Rey-Cone
Christie Del Rey-Cone